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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/401,229	03/09/95	TANG	W 50169/105/EN

<input type="checkbox"/> FOLEY & LARDNER 3000 K STREET NW SUITE 500 WASHINGTON DC 20007-5109	MM11/1026	<input type="checkbox"/> EXAMINER LEE, J
		<input type="checkbox"/> ART UNIT 2874
		<input type="checkbox"/> PAPER NUMBER

DATE MAILED: 10/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

MM11/1026

FOLEY & LARDNER  
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SUITE 500  
WASHINGTON DC 20007-5109

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/401,229	03/09/95	100	LEE, J	2874 10/26/98
First Named Applicant	TANG,	35 USC 154(b) term ext.	= 0 Days.	

TITLE OF INVENTION IN-SITU REAL-TIME MONITORING TECHNIQUE AND APPARATUS FOR ENDPOINT DETECTION OF THIN FILMS DURING CHEMICAL/MECHANICAL POLISHING PLANARIZATION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
2 50169/105/EN	385-012.000	K83	UTILITY	YES	\$660.00	01/26/99

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

<b>Notice of Allowability</b>	Application No. <b>08/401,229</b>	Applicant(s) <b>Wallace T. Y. Tang</b>
	Examiner <b>John D. Lee</b>	Group Art Unit <b>2874</b>

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to amendments after final rejection filed on 07/28/97 and 08/20/98.
- The allowed claim(s) is/are 17-35, 39-47, 53-60, 76-78, and 91-151.
- The drawings filed on \_\_\_\_\_ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All    Some\*    None   of the CERTIFIED copies of the priority documents have been
  - received.
  - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant MUST submit NEW FORMAL DRAWINGS
  - because the originally filed drawings were declared by applicant to be informal.
  - including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 3.
  - including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
  - including changes required by the attached Examiner's Amendment/Comment.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

The following is an Examiner's Statement of Reasons for Allowance: The reasons for the allowability of all pending claims in this application have been established during the prosecution, and such reasons need not be repeated here verbatim. Although no interference has been formally declared, this application has been involved in procedural steps leading to the institution of an interference with U.S. Patent No. 5,433,651. In recent telephonic discussions with the Examiner, applicant's representative has indicated the desirability of removing the present application from any interference and allowing the application to issue with non-interfering claims. In addition to those claims which have been identified by the Examiner as not corresponding to the claims of U.S. Patent No. 5,433,651 and thus not subject to the proposed interference (i.e. claims 17-35, 39-47, and 53-60), the Examiner and applicant's representative have agreed upon the entry of claims which are similar to claims that would have been subject to the proposed interference but which include a limitation that makes them patentably distinct from U.S. Patent No. 5,433,651. That limitation is the inclusion of interferometric detection (means and process steps). The apparatus and process of U.S. Patent No. 5,433,651 cannot employ interferometric detection, the detection therein being a light intensity detection scheme. Previously pending claims 76-78 also recite this limitation and, upon reconsideration, such claims would likewise not have been subject to the proposed interference. All claims which would have been subject to the proposed interference have been cancelled and have been resubmitted in a recently filed divisional application so that an interference with U.S. Patent No. 5,433,651 will ultimately take place. Since all pending claims in the present application (i.e. claims 17-35, 39-47, 53-60, 76-78, and 91-151) are patentably distinct from U.S. Patent No. 5,433,651 and

all other prior art of record, the claims are allowed. In accordance with MPEP § 1302.01, these pending claims have been renumbered so that they will appear as claims 1-100 in the printed patent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (703) 308-4886. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (703) 308-0956 or to the technical support staff supervisor at telephone number (703) 308-4854.

*John D. Lee*  
John D. Lee  
Primary Patent Examiner  
Group Art Unit 2874